UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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No. 04-6390

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ANTHONY MERRICK, a/k/a C,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Rebecca Beach Smith, District Judge. (CR-94-163)

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Submitted: July 16, 2004   Decided: July 29, 2004

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Before WILLIAMS, TRAXLER, and KING, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Anthony Merrick, Appellant Pro Se. Helen F. Fahey, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia, Laura P. Tayman, Assistant United States Attorney, Norfolk, Virginia, for Appellee.

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PER CURIAM:

Anthony Merrick, a federal prisoner, seeks to appeal the district court's order denying relief on his motion filed under 28 U.S.C. § 2255 (2000). An appeal may not be taken from the final order in a § 2255 proceeding unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000). A certificate of appealability will not issue for claims addressed by a district court absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000). A prisoner satisfies this standard by demonstrating that reasonable jurists would find both that his constitutional claims are debatable or wrong and that any dispositive procedural rulings by the district court are also debatable or wrong. See Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683 (4th Cir. 2001). We have independently reviewed the record and conclude that Merrick has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED